

REMARKS

In the Office Action dated July 26, 2004, it was noted that Figure 1 should be labeled "Prior Art." Figures 2, 23 and 28 were objected to in that the bags were not drawn with hidden lines. Per a telephone conversation with the Examiner on September 22, 2004, it was agreed that since the bags shown in Figures 2, 23 and 28 were intended to be transparent, Figures 2, 23 and 28 were acceptable as filed. An amended sheet with Figure 1 labeled "Prior Art" is submitted herewith.

The Abstract was objected to due to informalities. A replacement sheet with an amended Abstract is submitted herewith.

The specification has been amended to correct the reference to U.S. Patent No. 6,715,614 and the use of the trademark "POST-IT®."

Claims 1-7, 16 and 19 are canceled herein. Claims 8-11 and 14 have been amended. New claims 20-24 have been added. Applicant respectfully submits that pending claims 8-15, 17, 18 and 20-24 are allowable for the reasons set forth below.

In the Office Action claim 8, along with claims 11-18, were rejected under 35 U.S.C. §112¶2 based upon the phrase "a plurality of multi-bags." The Office Action stated that it unclear what structure the "defines this element." Applicant directs the Examiner's attention to the specification, p. 8, lines 2-13 wherein one embodiment of the multi-bag storage device is described in detail. The Examiner's attention is also drawn to Figure 2, where a multi-bag is illustrated. Figures 9 and 28 illustrate more than one multibag mounted on the same case. A "plurality of multi-bags" means more than one multi-bag. In connection with the §112¶2 rejection, the Examiner's attention is drawn to MPEP 2173.02 which provides:

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a *reasonable degree* of particularity and distinctness. ... The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. (emphasis supplied).

Applicant respectfully submits that one of ordinary skill in the art would have no difficulty whatsoever understanding “a plurality of multi-bags” in view of the specification. Applicant respectfully submits that the §112² rejection is not sustainable.

Claims 8-11 were rejected under 35 U.S.C. §102(b) as anticipated by Dobson et al., U.S. Patent No. 1,755,950. In support of the §102 rejection of claims 8-11, the Office Action stated that Dobson et al. disclose:

... a mail bag assembly comprising a plurality of multi-bags (top half of Figure 4 is one and bottom half of Figure 4 is a second one) each comprising a series (left to right in Figure 3) of flexible walled bags 42a case (the truck) having means (the bottom surface of the truck) for mounting the bags; the bags having a mechanism (33, 31) for tensioning the bags to hold the mouths open (see Figure 4) and for relaxing (see Figures 7 and 8) the bags; the case (i.e., the truck) comprising spaced horizontal rails (the side walls of the truck) and the bags are removably mounted one above the other (see Figure 4) in openings *between* the rails; and a bag locking mechanism (16) with releasably engages the strips (48) while the tensioning mechanism (31, 33) tensions the bags; the strips having means (18, 26) thereon for removably securing the device to a supporting frame (27); and mail inserted into each bag which is labeled (44) though a common delivery point.” (emphasis in original).

Applicant respectfully traverses.

First, pockets or compartments 42 are not separate bags as specified in claim 8 as amended. The compartments 42 of the Dobson et al. reference are formed by partitions 40 and walls 41 which are secured together “as by being sewed thereto by a lines of stitches.” (Dobson et al., Col. 3, lines 1-16). As such, compartments 42 of Dobson et al. share common walls and are not bags “each comprising a pair of flexible side walls, a bottom uniting the side walls along mutually superposed edges thereof.” For this reason alone, Dobson et al. do not anticipate claim 8.

The truck of Figure 1 of the Dobson et al. reference is also not a “case” under any reasonable interpretation of the claims. In this regard, the Examiner’s attention is directed to MPEP §2111.01 which specifies that “During examination, the claims must be interpreted as broadly as their terms *reasonably* allow. This means that the words of the claim must be given their plain meaning In other words, they must be read as they would be interpreted by those of ordinary skill in the art.” MPEP §2111.01 (emphasis supplied). One of ordinary skill in the art would not consider the term “case” as used in the specification and claims as encompassing a *truck*.

The Office Action characterized rods 48 of Dobson et al. as reinforcing strips. Dobson et al., however, states that “[t]he cover member 16 is similarly attached to the top of the bag by means of rods 48 passing through loops 49 of the bag and ears 39 on the top member.” (Dobson et al., Col. 3, lines 46-49). Thus, rods 48 of Dobson et al. do not “unite” compartments 42, rather, the rods simply serve as hangers. Since rods 48 do not “unite” compartments 42 of the Dobson et al. reference, the reference does not disclose “series of separable flexible walled bags disposed side by side ... wherein the bags are united by a pair of reinforcing strips” as specified in claim 8.

Claim 8 also requires that the case include means¹ for mounting the multi-bags therein with the bag mouths facing outwardly, and having a mechanism for tensioning the bags. The *truck* of Figure 1 of Dobson et al. does not include “means for mounting” nor a “mechanism for tensioning the bags.” Claim 8 requires the tensioning mechanism to be part of the case. Even if the truck shown in Figure 1 were considered a “case” the tensioning mechanism (collar 33 and set screw 31) are not part of the truck. In view of the foregoing, Applicant respectfully submits that Claim 8 is patentable over Dobson et al.

Claim 9 further specifies that the case comprises spaced horizontal rails, and the multi-bags are removably mounted one above another in openings between the spaced horizontal rails. In the rejection, the Office Action characterized the side walls of the truck of Figure 1 of Dobson et al. as meeting this feature. However, one of skill in the art would not construe the term “case” as encompassing a truck, thus one of skill in the art not consider the side walls of the truck to be spaced horizontal rails of a case. Applicant respectfully submits that claim 9 is allowable over the art of record.

Claim 10 specifies that the case includes a bag locking mechanism which releasably engages the reinforcing strips while the tensioning mechanism tensions the bags. In the rejection, the Office Action characterized cover 16 of Dobson et al. mail bag as a locking mechanism. However, cover 16 of Dobson et al. does not lock anything. Rather, cover 16 is held in place on vertical rod 27 with

¹Means-plus-function clauses “shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” 35 U.S.C. §112¶6. When an element is claimed using language falling under the scope of 35 U.S.C. 112, 6th paragraph ... the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. MPEP §2111.01 The USPTO must apply 35 U.S.C. 112, sixth paragraph in appropriate cases, and give claims their broadest reasonable interpretation, in light of and *consistent with the written description of the invention in the application*. MPEP §2181.

collar 32 and set screw 30. (See Dobson et al., Col. 2, lines 77-88, Figure 4). Applicant submits that claim 10 is allowable over Dobson et al.

In the Office Action, claim 11 was rejected under 35 U.S.C. §112¶2 for the recitation of “when unfilled and stretched to a taut condition,” “strips unite the multi-bag” and “sufficient strength.” Claim 11 has been amended to delete the “sufficient strength” language. With respect to “unfilled” and “stretched” Applicant traverses. The Office Action stated that it is unclear what structure is “stretched” and what defines “unfilled.” With respect to “stretched” the Examiner’s attention is drawn to page 16, line 20 - page 17, line 12 wherein the process of locking and stretching multi-bags 300 in case 350 is described. The Examiner’s attention is also drawn to Figure 28 wherein multi-bags 300 are shown stretched in case 350. Thus, with respect to “stretched” and “unfilled,” Applicant submits that one of ordinary skill in the art would, in light of the specification, understand the phrase “giving the multi-bag a generally rectangular shape when unfilled and stretched to a taut condition” means exactly that – when the multi-bag is empty and stretched taut, it assumes a generally rectangular shape. MPEP §2173.02.

Turning to the rejections of claim 11 under §102 as anticipated by Dobson et al. and Foster et al., Applicant traverses. First, as discussed above, the compartments or pockets 42 of Dobson et al. are not bags. Pockets 42 of Dobson et al. are not united by a reinforcing strip. Consequently Dobson et al. does not anticipate claim 11. With respect to Foster et al., the Office Action stated that the reference discloses “a series of flexible ... walled bags ... united by a reinforcing strip (532) ... the edges of each bag are integrally bonded to the edges of adjacent bags (see Figure 18); the strips (532) having means (536 and 534) for removably securing the device to supporting frame (not shown, see column 11, lines 9-13). The foregoing is incorrect for a number of reasons.

Element 532 of Figure 24 of Foster et al. are not “reinforcing strips.” As stated in Foster et al.:

The packaging system 510 again includes an unitary profile and receptacle assembly which comprises a pair of spaced apart opposed profiles 512 and 512A including *first and second spaced apart legs 532 and 534 connected by a web 536*, wherein the web is designed to be positioned over the edge of a support structure such that the packaging system can be suspended. ... Further, the interior legs 532 preferably include inwardly extending flanges 540 located along the lower ends thereof to assist in maintaining the packaging system in an upright position. As should be recognized by those skilled in the art, the flanges 540 while preferably are generally only necessary where the wall thickness of the legs 532 cannot support the packaging system in and of itself.” (Foster et al., Col. 11, lines 15-35, emphasis supplied).

Legs 532 and 534 of Foster et al. do not unite anything nor do the legs reinforce anything. One of skilled in the art would not construe the language “reinforcing strips” as encompassing legs 532 and 534 of Foster et al. Foster et al. also does not disclose “means for attaching the strips to the multi-bag” as required by the claim. When an element is claimed using language falling under the scope of 35 U.S.C. 112, 6th paragraph ... the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. MEP. §2111.01. Means for attaching the reinforcing strips disclosed in the specification includes tape, adhesive, spot welding, heat bonding (p. 12, lines 2-17) as well as mating slots and projections (p. 14, lines 2-20). Foster et al. does not disclose these features.

Further, Fig. 18 of the Foster et al. reference does *not* disclose bags as specified in claim 1. Rather, as set forth in the specification, “referring to FIG. 18, still another receptacle embodiment 16 is illustrated in the form of a *continuous convoluted sheet* which includes a *plurality of open*

areas or pockets 18 for receiving objects in a suspended manner. (Foster et al., Col. 14, lines 58-61).

A continuous convoluted sheet is *not* a plurality of flexible walled bags.

In view of the foregoing deficiencies, Applicant submits that claim 11 is allowable over the Dobson et al. and Foster et al. references. Applicant further submits that claim 12, which further specifies that the bags are made of high density polyethylene having a thickness in the range of about 1 to 2 mil, is allowable for the reasons set forth in connection with claim 11. Claim 13 was indicated to be allowable in the Office Action. Claim 14 has been amended to depend from claim 13, thereby providing antecedent basis for "tabs." Claim 14 is therefore submitted to be allowable.

Claim 15 specifies the multi-bag of claim 11 wherein the attaching means comprises mating projections and slots. The Office Action did not identify which, if any, of the cited references disclose this feature. Applicant respectfully submits that claim 15 is allowable over the art of record.

Claim 16 stands canceled. Claims 17 and 18, specifying mail pieces which have been sorted to the bags and wherein the mail pieces in each bag have a common delivery point are submitted to be allowable for the reasons set forth in connection with claim 11.

New dependent claim 20 specifies that the mechanism for tensioning the bags recited in claim 8 comprises a movable frame mounted on the case including one or more movable shelves on which the multi-bags are mounted such that movement of the movable shelf relative to a stationary shelf forming part of the case tensions the multi-bags. Applicant submits that this feature, in combination with the features specified in claim 8 as amended, is not taught or suggested by the art of record and that claim 20 is allowable.

New independent claim 21 is directed to a mail delivery system including a series of mail holding devices each comprising a pair of flexible side walls, a bottom uniting the side walls along

mutually superposed edges thereof, and an open top. The mail holding devices are disposed side by side such that open tops face a common direction and form a row with one or more mail pieces placed in each mail holding device. Claim 21 further recites a container that holds the series of mail holding devices with mail placed therein. New dependent claim 22 further recites that the mail holding devices comprise bags and dependent claim 23 specifies that the container comprises a tub in which the series of mail holding devices are disposed with the open tops facing upwardly. New dependent claim 24 specifies that the container comprises a tray in which the series of mail holding devices are disposed with the open tops facing upwardly.

The cited references do not teach or suggest the mail delivery system of claims 21-24. Dobson et al. do not disclose mail holding devices each comprising a pair of flexible side walls and a bottom uniting the side walls along mutually superposed edges. Foster et al. do not disclose a mail delivery system including the series of mail holding devices as recited in claim 21 with one or more mail pieces placed in each device. Therefore, Applicant respectfully submits that new independent claim 21 along with new dependent claims 22-24 are allowable over the art of record.

It is believed that no additional fee is due. If this is incorrect, the Commissioner is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-1588.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward Jorgenson', written over a horizontal line.

Edward Jorgenson
Reg. No. 34,194

Date: October 21, 2004

PHILIP G. MEYERS LAW OFFICE
1009 Long Prairie Road, Suite 302
Flower Mound, Texas 75022
(972) 874-2852
(972) 874-2983 (Fax)